

## **REMARKS**

Claims 5-7 are pending. Claim 6 has been amended solely to clarify the claimed invention, and not to distinguish claim 6 from the cited references.

### **CLAIM REJECTIONS UNDER 35 U.S.C. 101**

Claims 5-6 stand rejected as allegedly not falling within one of the statutory categories of invention. This rejection is respectfully traversed. The Examiner indicates that the process/steps of claims 5-6 must “positively tie” to a statutory category, such as a particular apparatus. The Examiner acknowledges that claims 5-6 recite a computer program product residing on a phone. It is respectfully submitted that a phone is clearly a “particular apparatus,” such that claims 5-6 are positively tied to a statutory category. The Applicant’s attorney respectfully requests that the Examiner clarify why a phone is not a qualifying apparatus and/or how the subject claims are not sufficiently tied to such phone as to be statutory. Otherwise, the Examiner is requested to withdraw this rejection.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)**

The Examiner has rejected claims 5-7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,697,638 to Larsson in view of Khullar. Applicant respectfully traverses these rejections.

#### **Claim 5**

Claim 5 recites sending confirmation of an authentication to a wireless network authority, ending communication between a personal mobile phone and an embedded phone, and, after ending the communication, opening a communication session with the wireless network based on the sent confirmation.

In contrast, Larsson and Khullar, taken either each alone or in combination, fail to teach or suggest the limitations of claim 5. As has been explained in Applicant's previously submitted papers, Larsson teaches that during the time at which the tandem of phone 100 and kit 160 are in communication with the cellular system (*i.e.*, in a communication session with a wireless network), the phone 100 and kit are in communication with each other. Only at step 340, "after the communication is finished," that is, after the phone/kit tandem cease communicating with the cellular system, do the phone 100 and kit 160 end communication with each other.

According to the limitations of claim 5, the embedded phone, using information identifying the mobile phone received during communication with the mobile phone, is able to communicate with the wireless network associated with the mobile phone after the embedded phone and mobile phone have ceased communicating with one another.

Khullar fails to supply the teachings missing from Larsson, namely ending communication between a personal mobile phone and an embedded phone, and after ending the communication, opening a communication session with a wireless network based on a sent confirmation. The Examiner alleges that "Khullar discloses a communication system wherein one of two transceivers are disabled for power considerations when another transceiver is in communication." It is respectfully submitted that, even if the Examiner's allegation were correct, the teachings of Khullar simply do not teach or suggest an embedded phone, using information identifying a mobile phone received during communication with the mobile phone, able to communicate with a wireless network associated with the mobile phone after the embedded phone and mobile phone have ceased communicating with one another.

However, the passages of Khullar cited by the Examiner do not teach what the Examiner suggests. Referring, *e.g.*, to Figure 3 and col. 5, lines 66-67 to col.6, lines 1-31 of Khullar, a controller 312 receives input signals from a battery monitor/charger module 316, from a low power mode switch 324, and, according to an exemplary embodiment, from an RSS meter 310. The controller 312 processes these inputs to produce control signals 326 that control the operation of transceivers 304-308 to select one of supported access technologies (ATs) as the optimal AT. When the battery monitor/charger module 316 detects and then signals the controller 312 that the battery energy is low or when a user has manually activated low power operation by pressing the low power mode switch 322, the controller 312 then initiates a routine

to select an optimal AT from a plurality of compatible AT types. The compatible AT types are those ATs that are capable of communicating with a mobile station (MS) 102, and in particular may be those ATs that are capable of sending and receiving the type of information (e.g., voice, data, multimedia) that is being transmitted over the network at the time low power operation is enabled. As such, the system of Khullar simply selects an optimal AT, based on a battery-energy signal and using one of the transceivers, from among a plurality of ATs, and does not deactivate one transceiver when another transceiver is active to save battery power.

Consequently, Larsson and Khullar fail to teach or suggest the limitations required by Applicant's claim 5, and the Examiner is requested to withdraw this rejection.

#### **Claims 6 and 7**

Claims 6 and 7 are patentable for reasons at least similar to those discussed above with reference to claim 5.

### CONCLUSION

Applicants assert that currently amended, pending claims 5-7 are in condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions, the Examiner is invited to contact the Applicant's attorney listed below. **If the Examiner disagrees with the positions advanced herein, the Applicant respectfully requests that the Examiner, prior to issuing an action rejecting any of the pending claims, contact the undersigned to arrange a telephonic discussion of the application.**

Respectfully submitted,

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